

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

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U.S. DISTRICT COURT
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UNITED STATES OF AMERICA,
Plaintiff,

v.

CRIMINAL Nos. 99-161 (DRD)
99-308 (DRD)

ROBERTO LOPEZ-MORALES,
Defendant-Releasee.

**MOTION REQUESTING APPOINTMENT OF COUNSEL
PURSUANT TO THE CRIMINAL JUSTICE ACT, 18 U.S.C. § 3006A,
TO SEEK EARLY TERMINATION OF SUPERVISED RELEASE**

TO THE HONORABLE DANIEL R. DOMINGUEZ
UNITED STATES DISTRICT JUDGE
FOR THE DISTRICT OF PUERTO RICO

COMES NOW defendant-releasee Roberto Lopez-Morales, *pro-se*, and very respectfully states, alleges and prays as follows:

1. Roberto Lopez-Morales (hereinafter "Releasee") requests that this Honorable Court appoint counsel pursuant to the Criminal Justice Act, 18 U.S.C. § 3006A, to assist him in seeking early termination of his period of Supervised Release.

I. Background Information

2. On December 26, 2001, this Honorable Court sentenced the releasee as follows: seventy-eight (87) months imprisonment, five (5) years of Supervised Release, and a one hundred dollar (\$200.00) Special Monetary Assessment. (Criminal No. 01-161 (DRD), Docket No. 362 and Criminal No. 99-308 (DRD), Docket No. 266.) Both case in the above caption were consolidated for sentencing and the sentences were imposed concurrent to each other, including the supervised release.

3. According to Bureau of Prison records, Mr. Lopez-Morales was released from prison on March 18, 2005 at which time he commenced his term of supervision and began reporting to the United States Probation Office for the District of Puerto Rico. The releasee wishes to pursue, through counsel, early termination of his Supervised Release term inasmuch as it is his understanding that he has fully and faithfully complied with all of the conditions of his supervised release for over three years and that early termination is warranted as it will be explained in the motion that will be filed through counsel if one is appointed.

II. Applicable Law

4. 18 U.S.C. § 3583(e)(1) states the following in relation to Early Termination of a period of Supervised Release:

(e) Modification of conditions or revocation. - The court may, after considering the factors set forth in section 3553(a)(1), (a)(2)(B), (a)(2)©, (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a)(7) -

(1) terminate a term of supervised release and discharge the defendant release date any time after the expiration of one year of supervised release, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation, if it satisfied that such action is warranted by the conduct of the defendant released and the interests of justice;

5. Federal Rule of Criminal Procedure 32.1(c), states the following in relation to modification of terms of Probation:

(c) Modification.

(1) In General. Before modifying the conditions of probation or supervised release, the court must hold a hearing, at which the person has the right to counsel.

(2) Exceptions. A hearing is not required if:

- (A) the person waives the hearing; or
- (B) the relief sought is favorable to the person and does not extend the term of probation or of supervised release; and
- (C) an attorney for the government has received notice of the

relief sought, has had a reasonable opportunity to object, and has not done so.

6. The releasee respectfully submits that appointment of counsel is warranted pursuant to 18 U.S.C. § 3006A(a)(1)(H), which reads as follows:

(1) Representation shall be provided for any financially eligible person who--:

* * *

(H) is entitled to appointment of counsel under the sixth amendment to the Constitution.

7. The releasee is willing and able to submit a financial affidavit, if ordered by this Honorable Court, to show his state of indigence requiring the appointment of counsel.

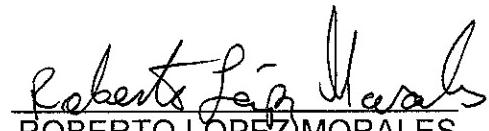
III. Relief Requested

8. The releasee desires to seek an Early Termination of his period of Supervised Release, and for that purpose requires the services of counsel to assist him in presenting said request to this Honorable Court. To that end, the releasee requests that this Honorable Court appoint the **Federal Public Defender for the District of Puerto Rico** pursuant to the Criminal Justice Act, 18 U.S.C. § 3006A, to assist him in making such a request.

WHEREFORE, releasee Roberto Lopez-Morales very respectfully requests that this Honorable Court take notice of the information provided herein and appoint the Federal Public Defender pursuant to the Criminal Justice Act, 18 U.S.C. § 3006A, to assist him in presenting to this Honorable Court a request for early termination of Supervised Release pursuant to 18 U.S.C. § 3583(e)(1).

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 5th day of August, 2008.


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— PRO SE